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11. Libel and Slander (§ 112 (2)*)—Evidence Supporting Finding that Defendant Intentionally Charged Plaintiff with Adultery.—In a slander suit based on a charge of adultery, evidence held to sustain a verdict that the slanderous statements were made by defendant with the intention to charge adultery.

12. Evidence (§ 593*)—Setting Aside Verdict in Slander Case on Ground that Evidence Established Truth of Charge Erroneous Where Such Evidence Inadmissible.—In a slander suit, where a special plea of justification as to part of the charge was improperly admitted, and the truth of the defamatory words was inadmissible under the remaining pleadings, it was error for the trial court to set aside a verdict for plaintiff on the ground that the truth of the words admitted by the special plea was established by the evidence.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 592.]

Error to Circuit Court, Accomack County.

Action by Mamie C. White against Thomas Bernard White. Judgment for defendant, and plaintiff brings error. Reversed and rendered.

S. James Turlington, of Accomack, for plaintiff in error.

Roy D. White, of Parksley, and *Stewart K. Powell*, of Onancock, for defendant in error.

TRIPP v. CITY OF NORFOLK.

March 17, 1921.

[106 S. E. 360.]

1. Municipal Corporations (§ 763 (1)*)—City Must Keep Streets in Reasonably Safe Condition.—It is the duty of a city to keep its streets in a reasonably sound, safe, and serviceable condition for public use and travel.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 901.]

2. Damages (§ 26*)—Rule as to Responsibilities of Wrongdoer for Negligent Act Stated.—A negligent person is liable for all the consequences which naturally flow from the wrongful act, regardless of whether they could have been reasonably anticipated; the test being whether, viewing the case retrospectively, the consequences were so improbable or unlikely to occur that it would not be fair and just to charge a reasonably prudent man with them.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 375.]

3. Municipal Corporations (§ 800 (1)*)—Rut in Street Held Proximate Cause of Injuries to Pedestrian.—Negligence of city in permitting rut in street held the proximate cause of injuries to pedestrian

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

struck by wheel of truck, detached from truck because of the force of the impact when wheel of truck dropped suddenly and with great force into the rut.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 374.]

Error to Circuit Court of City of Norfolk.

Action by Queenie Tripp against the City of Norfolk. Demurrer to declaration sustained, and plaintiff brings error. Reversed and remanded.

H. C. Nicholas and *L. S. Parsons*, both of Norfolk, for plaintiff in error.

R. W. Peatross, of Norfolk, for defendant in error.

BIBBS *v.* COMMONWEALTH.

March 17, 1921.

[106 S. E. 363.]

1. Infants (§ 20*)—In Prosecution for Causing Girl to Commit Fornication, Held Not Error to Exclude Evidence to Prove Her Bad General Reputation.—In a prosecution, under Acts 1914, c. 228, for causing and encouraging a girl under 18 to commit fornication with accused, there was no error in refusing to permit accused to introduce evidence to prove her bad general reputation for chastity.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 313.]

2. Infants (§ 20*)—It Is an Offense to Encourage a Child to Commit a Misdemeanor, and Participation in Fornication with Her Makes Accused Guilty.—It is not essential to an offense, under Acts 1914, c. 228, making it a misdemeanor for a person over 18 to "cause or encourage" a child under that age to commit a misdemeanor, that accused should have "caused" prosecutrix to commit the misdemeanor, and he is guilty if he encouraged her to do so, and participating in fornication with her encourages her, and makes him guilty, though she may have made the first advance.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 142.]

Will A. Cook, of Madison, and *Geo. L. Browning*, of Orange, for plaintiff in error.

John R. Saunders, *Atty. Gen.*, and *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, for the Commonwealth.

TUCKER SANATORIUM, Inc., *v.* COHEN.

March 17, 1921.

[106 S. E. 355.]

1. Negligence (§ 108 (1)*)—Requisites of Declaration Stated.—A declaration in a negligence case should contain sufficient allegations

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.